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SOAH DOCKET NO. 473-16-4619.WS
PUC DOCKET NO. 45870

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FORMAL COMPLAINT OF §
ADC WEST RIDGE L.P. AND §
CENTER FOR HOUSING RESOURCES, §
INC. AGAINST THE CITY OF FRISCO §

BEFORE THE STATE OFFICE OF
ADMINISTRATIVE HEARINGS

**CITY OF FRISCO'S RESPONSES TO COMMISSION STAFF'S SECOND SET OF
REQUESTS FOR INFORMATION**

The City of Frisco ("City" or "Frisco") and files these Responses to the Second Set of Requests for Information ("RFI") of Commission Staff of the Public Utility Commission of Texas ("Staff"). The City agrees that the responses may be treated as if the answers were filed under oath.

Respectfully submitted,

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/s/ Arturo D. Rodriguez, Jr.
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ATTORNEYS FOR THE CITY OF FRISCO

130

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**CITY OF FRISCO’S RESPONSES TO COMMISSION STAFF’S SECOND SET OF
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Staff RFI No. 2-1: Refer to the City of Frisco’s response to Staff RFI No. 1-1. List all requirements that must be met by the Complainants in order to receive service from the City of Frisco and provide a reference to any ordinance, rule, or regulation.

RESPONSE: The City’s ordinances, rules, and regulations speak for themselves. However, see response to Staff RFI No. 2-3 for a narrative of the process at it relates to the subject property.

Prepared/sponsored by: To be supplemented

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Staff RFI No. 2-2: Produce all Documents submitted by the Complainants in their attempt to receive service from the City of Frisco. Refer to your response to Staff RFI No. 2-1. State whether the Documents submitted by the Complainants have met any of the requirements that must be met in order to receive service.

RESPONSE: Complainants have not completed the process to receive water or sewer service from the City. The Documents that have been provided to the City were produced in response to Complainants' RFI No. 1. The explanation as to the Complainants' deficiencies is contained in response to Staff RFI No. 2-3.

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**CITY OF FRISCO's RESPONSES TO COMMISSION STAFF'S SECOND SET OF
REQUESTS FOR INFORMATION**

Staff RFI No. 2-3: Refer to your response to Staff RFI 2-3. List all the remaining requirements that must be met by the Complainants in order to receive service from the City of Frisco and detail the procedures used to review these remaining requirements.

RESPONSE: In order to provide a comprehensive look at the development process, Frisco will provide a narrative response.

Complainants are building a new development on the property that is the subject of this proceeding ("Subject Property") which is located within the City's extraterritorial jurisdiction. The process to follow to get the subject property developed and ready for the extension of utilities is found in the City's Development Application Handbook. The handbook may be found at <http://tx-frisco.civicplus.com/588/Development-Application-Handbook>.

Complainants purchased the Subject Property pursuant to a conveyance plat. Conveyance plats are governed by Section 4.04 of the City's Subdivision Ordinance.¹ The conveyance plat sought and received for the Subject Property did not authorize a certain type of development. The property owner remains obligated to comply with all requirements for platting, required public improvements, utility extensions, street improvements or assessments, right-of-way and easement dedications, and all other requirements of the Subdivision Ordinance. See Section 4.04 (d) of the Subdivision Ordinance.

Complainants submitted and received unanimous approval of a Preliminary Plat for the Subject Property pursuant to Section 4.02 of the Subdivision Ordinance in 2015. **This is the last appropriate submittal the City has received from Complainants.**

From Preliminary Plat approval, Complainants needed to submit Construction Plans and a Final Plat. See Section 4.02 (g) of the Subdivision Ordinance.

Public improvements, including water and sewer improvements, shall meet the City's master plans and be adequately sized. See Section 8.01 of the Subdivision Ordinance. Submission of construction plans for public improvements must be made in compliance with the Subdivision

¹ For the purpose of this response, the "Subdivision Ordinance" refers to Ordinance No. 09-07-38 and later amended by Ordinance No. 12-06-42. The Subdivision Ordinance was provided in response to Complainants' RFI No. 23, Bates page nos. P23212-P23831.

Ordinance. See Section 5.01 and 8.01 of the Subdivision Ordinance. Plans need to be submitted according to the City's Development Application Handbook. See Section 5.01(b) of the Subdivision Ordinance. The submission of construction plans must be accompanied by a "Development/Zoning Change Application" form which may be found at <http://tx-frisco.civicplus.com/DocumentCenter/View/1379>. The form indicates what an applicant is requesting and details what is to be accompanied with the Application and triggers the more detailed review based upon the proposed construction plans. In coordination with other City departments, the City's Engineering Services Department indicates whether the construction plans submitted conform to the City's Engineering Standards. The Complainants need to conform to the standards indicated in the City's Engineering Standards. See Section 1.01(f) of the Subdivision Ordinance. The construction plans are approved when the plans are consistent with the approved Preliminary Plat or the proposed Final Plat and the construction plans conform to the Subdivision Ordinance and all other municipal code requirements. See Section 5.01 (f) of the Subdivision Ordinance. Easement acquisition shall comply with Section 5.03 of the Subdivision Ordinance. Once the construction plans are approved, the applicant can proceed to a Pre-Construction Meeting. At this time, the applicant can request a construction release. See Section 5.01(i) of the Subdivision Ordinance. The Pre-Construction meeting is a pre-requisite to construction of public improvements. See Section 5.02 of the Subdivision Ordinance. The Pre-Construction Meeting is important as it outlines how construction should proceed as it relates to the City's regulatory authority, including the possibility of seeking a right-of-way permit. After the Pre-Construction Meeting and full compliance with all pre-construction requirements, the Construction Release is approved which allows the applicant to commence construction. The applicant shall pay any fees associated with inspection of public infrastructure improvements.

Completion of the public improvements, including water and sewer improvements, shall occur before final platting, unless otherwise approved. See Section 5.03 of the Subdivision Ordinance. If construction is necessary after the final plat is approved, an Improvement Agreement and Security for Completion is required pursuant to Section 5.04 of the Subdivision Ordinance. Construction, maintenance and acceptance of the public improvements are governed by Section 5.05 of the Subdivision Ordinance.

Construction of any improvements within City facilities (i.e., public easements) and Rights of Way ("ROW") requires an approved Right of Way permit before any excavation or other work may be done in those facilities and ROWs. See City Code of Ordinances Chapter 78.²

The applicant will need a final plat in order to ensure compliance with the City's ordinances. See Section 4.03. Applicants are informed of the procedures to obtain a final plat by using the form that may be found at <http://tx-frisco.civicplus.com/DocumentCenter/View/943>. A checklist of items that the City reviews in the final plat process may be found at <http://tx-frisco.civicplus.com/DocumentCenter/View/1397>. As part of the final plat process, the improvements will be inspected for final acceptance. If approved and accepted, the applicant shall file the appropriate maintenance bonds with the City, submit the as built plans for the improvements, and pay any outstanding fees.

² City Code of Ordinances Chapter 78 was provided in response to Complainants' RFI No. 23, Bates page nos. P23866-P23900.

Once the developer has complied with the City's Subdivision Ordinance, the property owner is eligible to receive retail water and sewer service by requesting service through the use of a Commercial Water Application. Such a form may be found at <http://tx-frisco.civicplus.com/DocumentCenter/View/23>.

While the above outlined process applies to all development, Section 7.01, 7.02, and 7.03 of the Subdivision Ordinance specifically extends the above-referenced process to properties, like the Subject Property, located outside the City's corporate limits but inside the City's extraterritorial jurisdiction. All of Chapters 7 and 8 apply to the Subject Property. As the City has not been requested to review any plans in a manner consistent with its ordinances and procedures, it is possible that Section 8.05, 8.06, 8.10, and 8.11 may be inapplicable.

This response is intended to be an overview of the City's development process as it relates to the Subject Property and is not intended to provide legal advice. In the event there are properly adopted statutes, rules, regulations, ordinances, or other laws applicable to Subject Property, such will apply. This response does not in any manner limit the City from enforcing any rules, regulations, ordinances, or other law within its jurisdiction that may be applicable to Subject Property.

Prepared/sponsored by: To be supplemented

CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of January, 2017, a true and correct copy of the foregoing document has been sent via facsimile, first class mail, or hand-delivered to the following counsel of record:

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